

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DONALD STEVEN YAAG,

Case No. 3:14-cv-00295-MMD-WGC

Petitioner,

ORDER

v.

ROBERT LeGRAND, et al.,

Respondents.

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner.

Petitioner has filed a motion for the appointment of counsel. (Dkt. no. 1-2). Pursuant to 18 U.S.C. § 3006(a)(2)(B), the district court has discretion to appoint counsel when it determines that the “interests of justice” require representation. There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). The petition on file in this action is well-written and sufficiently clear in presenting the issues that petitioner wishes to bring. The issues in this case are not complex. It does not appear that counsel is justified in this instance. The motion for the appointment of counsel is denied.

It is therefore ordered that petitioner’s motion for the appointment of counsel (dkt. no. 1-2) is denied.


1 It is further ordered that the Clerk shall file and electronically serve the petition
2 upon the respondents.

3 It is further ordered that respondents shall have forty-five (45) days from entry of
4 this order within which to answer, or otherwise respond to, the petition. In their answer
5 or other response, respondents shall address all claims presented in the petition.
6 Respondents shall raise all potential affirmative defenses in the initial responsive
7 pleading, including lack of exhaustion and procedural default. Successive motions to
8 dismiss will not be entertained. If an answer is filed, respondents shall comply with the
9 requirements of Rule 5 of the Rules Governing Proceedings in the United States District
10 Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have forty-five (45)
11 days from the date of service of the answer to file a reply.

12 It is further ordered that any state court record exhibits filed by respondents shall
13 be filed with a separate index of exhibits identifying the exhibits by number or letter. The
14 hard copy of all state court record exhibits shall be forwarded, for this case, to the staff
15 attorneys in the Reno Division of the Clerk of Court. The hard copy of all exhibits
16 submitted to the Court shall be tabbed and shall be bound along the top edge of the
17 pages.

18 It is further ordered that, henceforth, petitioner shall serve upon the Attorney
19 General of the State of Nevada a copy of every pleading, motion, or other document he
20 submits for consideration by the Court. Petitioner shall include with the original paper
21 submitted for filing a certificate stating the date that a true and correct copy of the
22 document was mailed to the Attorney General. The Court may disregard any paper that
23 does not include a certificate of service. After respondents appear in this action,
24 petitioner shall make such service upon the particular Deputy Attorney General
25 assigned to the case.

26 DATED THIS 16th day of October 2014.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE